

Attorney Docket No.: **PM (DC-0251)**  
Inventor: **Wade and Demian**  
Serial No.: **09/720,078**  
Filing Date: **25 July 2001**  
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**REMARKS**

Claims 1, 5, 12-15, and 31 are pending in the instant application. Claims 1, 5, 12-15, and 31 have been canceled. Claims 32-37 have been added. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of the following remarks.

The Examiner in this case suggests that the submission of the RCE filed September 13, 2005 is not a fully responsive submission because Applicants have canceled all claims drawn to the originally elected invention, ("methods of enhancing a humoral immune response or CD4 Th1 immune response") and switched to a "method of suppressing a humoral immune response or CD4 Th1 immune response". This is not correct because claim 31 is pending which explicitly recites "A method for enhancing the humoral or DTH Th1 type immune response". However, in an earnest effort to facilitate the prosecution of this application and clarify the instant invention, Applicants are canceling claims 1, 5, 12-15, and 31 and adding new claims 32-37 drawn to methods for enhancing at least the humoral immune response or CD4 Th1 immune response to a target antigen by administering a conjugate comprising a selected antigen, which is directly or indirectly attached to an antibody that specifically binds to a molecule which is expressed by an antigen-presenting cell (APC); an anti-CD40 antibody; and an adjuvant. Support for new claims 31-36 is found in claims 1, 5, and 12-15 as originally filed and at page 13 (lines 9-24) of the specification, which teaches that the co-administration of an adjuvant (e.g., Alum, saponin, and immune stimulating peptides) with the antigen-antibody conjugate and anti-CD40 antibody of the

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invention further enhances the immunological response related to the target antigen.

In light of this amendment, the teachings of Anand et al. (U.S. Patent No. 6,291,208) and Heath (U.S. Patent Application No. 2002/0135722) cannot be held to make the instant invention obvious under 35 U.S.C. 103(a), because these references fail to teach or suggest an adjuvant as used in the context of the present invention, *i.e.*, Alum, saponin, and immune stimulating peptides. In fact, Anand et al. teach that the antigen-antibody conjugate therein provides "an enhanced immune response to an antigen without the use of an adjuvant." See column 3, lines 3-5. Similarly, Heath teaches co-administration of an antigen with a CD40 antibody as adjuvant; however, this reference does not teach or suggest an adjuvant as used in the context of the present invention. Because the cited references, when combined, fail to teach or suggest each and every element of the claims, these references fail to make the instant invention obvious under 35 U.S.C. 103(a). It is therefore respectfully requested that this rejection be withdrawn.

#### **CONCLUSION**

The Applicants believe that the foregoing Supplemental Preliminary Amendment and Preliminary Amendment filed September 13, 2005 comprise a full and complete response to the Office Communication of record.

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Accordingly, favorable reconsideration and subsequent allowance of claims 31-36 is earnestly solicited.

Respectfully submitted,



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